

	Administrative Regulation	Policy #	03-07.07
	Respectful Place to Work	Effective Date:	July 17, 2018
		Revision Date:	July 13, 2020
		Owner:	Human Resources

Purpose:

The City is committed to supporting the practice of all employees interacting in a dignified and respectful manner at all times in the workplace.

Scope:

All employees, including management, elected public officials, temporary workers, interns, contractors, and volunteers.

Policy:

The City of Springfield is committed to having a positive, diverse, and professional workplace, and will take necessary steps to ensure that the work environment remains productive for employees, customers, contractors, and visitors to the City's worksites. The City does not tolerate:

- Any forms of workplace harassment, or offensive behavior
- Demeaning statements, threats, or intimidation
- Unprofessional and discourteous actions or behaviors
- Any behavior that creates or fosters an unwelcome or abusive work environment

Harassment, discrimination, and retaliation are prohibited in the workplace, in any work-related setting outside the workplace, or when off-duty conduct creates a disrespectful work environment based on protected status. Every employee shares the responsibility for bringing to the City's attention conduct that interferes with providing a work environment free of harassment, discrimination, and retaliation.

Procedure:

1. Types of Conduct that will not be tolerated

- 1.1. *Discrimination.* Unequal or different treatment of an individual in any personnel action based on their protected class. Failure to provide a reasonable accommodation necessary for an employee with a disability to perform the essential functions of their job.
- 1.2. *Physical Harassment.* Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy, or movement when directed at an individual. This includes but is not limited to pinching; patting; grabbing; or other unwanted,

uninvited physical contact or making explicit or implied threats or promises in return for submission to physical acts.

1.3. *Religious Discrimination & Harassment.* Treating a person (an applicant or employee) unfavorably because of their religious beliefs. The law protects people who belong to traditional, organized religions and others who have sincerely held religious, ethical or moral beliefs. Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion.

1.4. *Sexual Harassment.* Sexual harassment is a specific form of harassment which includes a broad spectrum of conduct. By way of illustration only, and not limitation, some examples of unacceptable behavior include:

- unwanted sexual advances;
- offering an employment benefit (such as a raise, promotion or career advancement) in exchange for sexual favors, or threatening an employment detriment (such as termination or demotion) for an employee's failure to engage in sexual activity;
- visual conduct, such as leering, making sexual gestures, and displaying or posting sexually suggestive objects or pictures, cartoons or posters;
- sending or posting sexually-related messages, videos or messages via text, instant messaging, or social media;
- verbal abuse of a sexual nature, graphic verbal comments about an individual's body, sexually degrading words used to describe an individual, and suggestive or obscene letters, notes or invitations;
- welcome or unwelcome contact with any intimate body part including but not limited to breasts, buttocks, hair, neck, lips, legs, thighs and feet, such as pinching, kissing, grabbing, patting or neck massages/rubs; and
- physical or verbal abuse concerning an individual's gender, gender identity or gender expression.

1.5. *Verbal Harassment.* Epithets, derogatory comments, slurs, propositioning, leering, unwelcome sexual advances, or otherwise offensive words, comments or gestures whether made in general, directly to an individual or to a group of people regardless of whether or not the behavior was intended to harass. This includes but is not limited to inappropriate sexually oriented comments on appearance, including dress or physical features, sexual rumors, code words, jokes, and race-oriented stories.

1.6. *Visual Forms of Harassment.* Derogatory, prejudicial, stereotypical, or otherwise offensive posters, photographs, cartoons, e-mails, clothing, body markings, notes, bulletins, drawings, or pictures. This applies to both posted material and material maintained in or on City equipment or personal property in the workplace.

1.7. *Workplace Bullying.* Any repeated, unreasonable actions of individuals or a group directed towards an employee or group of employees, which are intended to intimidate,

degrade, humiliate, or undermine, or which create a risk to the health or safety of the employee(s).

2. Resolution Options.

- 2.1. An individual may choose to approach the other employee, either in person or in writing, to advise that the behavior is offensive and unwelcome and to request that the behavior cease. The problem may be resolved at this point and no further action would be required.
- 2.2. An individual may also initiate the complaint by notifying anyone in management including but not limited to any supervisor or manager within or outside of their department, department director, or a Human Resources employee using the City of Springfield Complaint of Harassment form.
- 2.3. Employees or witnesses are encouraged to come forward with a complaint as soon as possible.
- 2.4. Human Resources will coordinate and conduct or delegate responsibility for coordinating and conducting an investigation. All complaints will be taken seriously, and an investigation will be initiated as quickly as possible. Complaints will be dealt with in a discreet and confidential manner, to the extent possible.

3. Victim Rights

- 3.1. Nothing in this regulation is intended to restrict an individual's right to file a complaint with the Bureau of Labor and Industries complaint resolution process, or under ORS 659A.820 to 659A.865 or any under other available law, whether civil, or criminal.
- 3.2. Oregon law requires the City to notify all employees that anyone who intends to sue the City for violation of state law must provide tort claim notice within 180 days of the alleged violation of the law. If timely tort claim notice is given, a complaint alleging an unlawful employment practice as described in ORS 659A.030, 659A.082, or 659A.112 must be commenced not later than one year after the occurrence of the alleged violation. For prohibited conduct occurring after September 29, 2020, a lawsuit must be commenced within five years after the occurrence of the alleged violation.
- 3.3. Victims of workplace harassment are encouraged to take advantage of the City's Employee Assistant Program (EAP). Information about the City's EAP benefits is available on the City's HR Benefit website.
- 3.4. Employees will not be required or coerced to enter into a nondisclosure or non-disparagement agreement, or any other agreement that has the purpose or effect of preventing employees from disclosing or discussing workplace harassment during employment with the City of Springfield

3.5. HR will follow-up with the complaining employee every three months for one year after receipt of the complaint to ensure that the harassment or discrimination has stopped and the complainant has not experienced retaliation. The complainant may, at any time, request in writing for HR to stop following up on the complaint.

3.6. Oregon law requires the City to investigate complaints of workplace harassment.

3.6.1. Employees have up to five years from the date of the workplace harassment to report the incident.

3.6.2. The City encourages employees to notify the City promptly so that it can act quickly to address the issue, and to bring forward any complaints the employee may have regardless of when the conduct occurred.

4. Employee Responsibilities

4.1. All employees and management are advised to document incidents of workplace harassment, discrimination or retaliation.

4.2. If you believe you are being subjected to conduct that violates this rule and feel comfortable doing so: tell the offender to "stop it!" Say it firmly, without smiling or apologizing. However, nothing prevents you from filing a complaint because you did not tell the offender that their behavior is unwelcome or ask the offender to stop.

4.3. Be considerate and compassionate to others.

4.4. Treat others with dignity and respect.

4.5. Not engaging in discrimination, harassment, or retaliatory conduct in violation of this regulation.

4.6. Promptly file a complaint if you are subject to unwanted or repeated discrimination, harassment, or retaliatory conduct prohibited by this regulation.

4.7. If you are a witness to prohibited conduct, you are encouraged to bring that information to the attention of a management representative.

5. Management Responsibilities.

5.1. Any supervisor, manager, or department director who observes inappropriate behavior or receives a harassment complaint shall document the incident and notify the Human Resources Director or designee immediately. Management is expected to contact the Human Resources Director even if the person making the complaint requests that it be kept confidential. Management should inform individuals making a complaint that strict confidentiality may not be feasible.

- 5.1.1. All information received in connection with inquiries, or with the filing, investigation, and resolution of workplace harassment, discrimination, and retaliation complaints is treated as highly sensitive. Employees authorized by the City to receive and investigate complaints are required to maintain confidentiality to the extent possible. It is expected and anticipated that all parties involved in complaints will observe the same standard of sensitivity. It is emphasized that this practice is in the best interest of all parties; however, absolute confidentiality cannot be guaranteed. A person who believes that they have been the victim of workplace harassment may voluntarily disclose information regarding an incident of workplace harassment that involves the victim.
- 5.2. Members of management must take immediate action to stop and prevent discrimination or harassment, where they know or have reason to know that it is occurring. Tacit or implied approval of discrimination and/or harassment by, for example, laughing and treating a situation as a joke, failing to take action or advising employee not to complain is prohibited.
- 5.3. Management is responsible for ensuring that notes, comments, posters, and other materials on walls, bulletin boards, or elsewhere in the workplace that are derogatory or show hostility toward an individual or group based on their protected class are removed. Management is expected to educate employees about impropriety of these items as well as inappropriateness of jokes, slurs, or other negative verbal comments that violate this regulation. Management is also responsible for educating employees that the use of City owned equipment, including vehicles and electronic devices such as computers, telephones, photocopiers, or faxes for any of these purposes is prohibited.
6. Consequences of Action.
 - 6.1. If a violation of this regulation is determined to have occurred, the Human Resources Department shall take and/or recommend to the appropriate supervisor or department director prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense, up to and including discharge from employment.
 - 6.2. If discipline is imposed, the nature and extent of the discipline will not be divulged to the complainant unless authorized by the Human Resources Director.
 - 6.3. Limited duration, temporary employees, interns and volunteers who engage in conduct in violation of this policy may be subject to termination of their working or volunteer relationship with the City.
 - 6.4. Managers and supervisors who know or should have known of conduct in violation of this regulation and who fail to report such behavior or fail to take prompt, appropriate action may be subject to disciplinary action, up to and including termination.

6.5. If the complaint involves the conduct of a contracted employee or a contractor, Human Resources must inform the contractor of the problem behavior and require prompt, appropriate action.

7. Retaliation Prohibited.

7.1. Retaliation against anyone for bringing a complaint or participating in an investigation is strictly prohibited. Under no circumstances will an employee be disciplined, demoted, or otherwise retaliated against for reporting, disclosing, or bringing a Respectful Place to Work complaint to the attention of the City. An employee who retaliates, or threatens to retaliate, against another employee for reporting a violation will be subject to disciplinary action, up to and including termination.

7.2. Employees who believe they have been retaliated against because they filed a complaint, participated in an investigation, or reported observing a violation of the Respectful Place to Work regulation should report this behavior to the employee's supervisor, the department head, or Human Resources.

8. Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state, and local law.

Definitions

1. "*Person*" is any employee, client, volunteer, contractor, applicant, or citizen.
2. "*Workplace Harassment*" is any conduct constituting discrimination because of an individual's race, color, religion, sex, sexual orientation, national origin, marital status or age if the individual is 18 years of age or older, or because of the race, color, religion, sex, sexual orientation, national origin, marital status or age of any other person with whom the individual associates, or because of an individual's juvenile record that has been expunged, or because of the person's service in a uniformed service, or because of a person's disability.
3. "*Non-disparagement Agreement*" is a contract whereby a party agrees to refrain from negative comment about the employer, its employees, services, or officials in any form of communication.
4. "*Nondisclosure Agreement*" is a contract whereby a party agrees to refrain from discussion or dissemination of information covered by the agreement.

Resources:

Administrative Regulation:

1. [Americans With disabilities ACT \(ADA\) \(03-07.02\)](#)
2. [Equal Employment Opportunity \(03-05.02\)](#)
3. [Investigations \(03-08.03\)](#)

4. [Open Door Policy \(03-07.01\)](#)
5. [Whistle Blowing Disclosure \(03-07.03\)](#)

Forms:

1. [Complaint of Harassment Form](#)

Links:

1. [Cascade Behavioral Health \(EAP\) website](#)

CREATION (Original):

This administrative regulation is in effect as of the date of my signature. I authorize the Human Resource Director to modify the history and resources sections and header, footer, and numbering without my reauthorization. The administrative regulation remains in effect should these revisions occur.			
Approved By:	Gino Grimaldi, City Manager	Dates:	July 17, 2018
Author:	Chaim Hertz, Director of Human Resources		
Responsible Party:	Human Resources		
Replaces:	N/A		

PERIODIC REVIEW:

Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	

REVISIONS:

Version #2:	Responsible Party:	Human Resources		
	Revised By:	Chaim Hertz, Director of Human Resources		
	Approved By:	Mary Bridget Smith, City Manager (Pro Tem)	Date:	Januarys 21,2020
	Reason/Summary of Changes:	Policy and procedural changes were made to comply with SB 479 requirements that took effect in January of 2020.		

Version #3:	Responsible Party:	Human Resources		
	Revised By:	Chaim Hertz, Director of Human Resources		
	Approved By:	Nancy Newton, City Manager	Date:	July 9, 2020
	Reason/Summary of Changes:	Removed reference to “acceptable business practices” from scope and corrected the legal timeline requirements under procedural section 3.6.		